

HOUSE BILL REPORT

HB 1469

As Amended by the Senate

Title: An act relating to proceedings for violations of commercial motor vehicle laws, rules, and orders.

Brief Description: Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders.

Sponsors: By Representatives Lovick, Jarrett, Haigh and Armstrong; by request of Washington State Patrol.

Brief History:

Committee Activity:

Transportation: 2/7/05, 2/10/05 [DP].

Floor Activity:

Passed House: 3/8/05, 97-0.

Senate Amended.

Passed Senate: 4/14/05, 44-0.

Brief Summary of Bill

- Changes the hearing procedures for violations of the commercial motor vehicle laws, rules, and orders.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 27 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Curtis, Dickerson, Ericksen, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: David Munnecke (786-7315).

Background:

The Washington State Patrol (WSP) administers a program of terminal safety audits for commercial motor vehicles to insure compliance with state and federal law. The WSP may assess penalties for violations that it discovers during these audits, which become due for payment upon assessment. If the penalty is not paid within fifteen days or if an application

for remission or mitigation is not made within fifteen days the Attorney General must bring an action in Superior Court to recover the penalty.

Summary of Bill:

If the penalty assessed or an application for mitigation or remission is not received by the WSP within fifteen days of assessment, the attorney general must commence an adjudication proceeding under the Administrative Procedure Act to recover the penalty.

EFFECT OF SENATE AMENDMENT(S):

The senate amendment removes the role of the attorney general in the process of recovering unpaid assessments. Instead, the Washington State Patrol is empowered to commence adjudicative proceedings under the administrative procedure act to confirm violations and recover penalties.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill streamlines the current process and thus reduces costs while retaining due process protections. The State Patrol insures that the applicable laws are followed by the carriers. If a carrier who was found to be in violation comes into compliance, then their fines are reduced. Otherwise, the patrol has to go to court to enforce the fines. The proposed replacement language removes the Attorney General's Office from the process. The current process works well except for carriers that refuse to comply, and this bill will assist in bringing them into compliance.

Testimony Against: None.

Persons Testifying: Representative Lovick, prime sponsor; and Fred Fakkema, and Coral Estes, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.